

REMARKS

In the Office Action dated September 29, 2005, the Examiner rejected claims 8, 11, 21, 29, 31, and 40 under 35 U.S.C. § 112, second paragraph as being indefinite; and rejected claims 1-16, 18-35, and 37-51 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,915,025 to *Taguchi et al.* ("*Taguchi* ").¹

Claims 1-51 are pending in this application. By this Amendment, Applicants amend claims 1, 8-11, 22, 29-31 and 51 to further clarify the claims.

Rejection Under 35 U.S.C. §§ 112, Second Paragraph

The Examiner rejected claims 8, 11, 21, 29, 31, and 40 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly and distinctly point out the claimed subject matter because the limitations "first memory location" lacks antecedent basis. (Office Action, p. 2:6-15.) By this Amendment, claims 8, 11, 29, and 31 are amended to delete the word "first." Applicants submit that amended claims 8, 11, 29, and 31 now have sufficient antecedent basis for the recited "memory location" in claims 1, 10, 22 and 30, from which claims 8, 11, 29 and 31 depend, respectively. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 8, 11, 29, and 31 under 35 U.S.C. § 112, second paragraph.

¹ The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

Applicants traverse the rejection of claims 21 and 40 under 35 U.S.C. § 112, second paragraph and respectfully submit that antecedent basis for the claimed “first memory location” if provided in claims 16 and 35, from which claims 21 and 40 depend, respectively. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 21 and 40 under 35 U.S.C. § 112, second paragraph.

Rejection of Claims 1-15, 22-39, 43-49 and 51 Under 35 U.S.C. § 102(b)

Applicants traverse the rejection of claims 1-15, 22-39, 43-49 and 51 under 35 U.S.C. § 102(b) as being anticipated by *Taguchi*. (Office Action, pp. 2:16-3:2.) In order for *Taguchi* to anticipate Applicants’ claimed invention under § 102(b), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in the reference. Further, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” (See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).)

Amended independent claim 1 recites a method for accessing information in memory including, “retrieving a secret key using [a] key tag when it is determined, based on the key tag, that a memory location corresponding to a physical address is protected.” *Taguchi* fails to teach at least this recitation from claim 1.

The Examiner contends that *Taguchi* teaches this aspect of claim 1 at column 19, lines 16-59. (Office Action, p. 3:9-12.) This portion of *Taguchi* corresponds to Figs.

21, 22A, 22B and 22C of *Taguchi*, which depict the flow of data decryption for key management. (Col. 19:16-18.) In particular, Fig. 21 depicts a process flow including “read[ing] encrypted data” (S31), “extract[ing] from read data the bits used for selecting [a] key” (S32), “select[ing] from [a] key table a decryption key corresponding to [the] extracted bits” (S33), and “decrypting data excluding [the] extracted bits by use of [the] selected decryption key” (S34)”. However, *Taguchi* fails to teach “determin[ing] based on the key tag that a memory location corresponding to a physical address is protected” (emphasis added), as recited in amended claim 1.

Further, Figs. 22A-22C illustrate the step of reading encrypted data 134 (S31). (Col. 19:38-43; Fig. 22A.) Here, bit information 132 is extracted from the encrypted data 134 (Col. 19:43-45; Fig. 22B) and a key 143 is selected from key table 140 based on the extracted bit information 132. As shown in Figs. 22A-22C, bit information 132 is merely used to select a key 143 for decrypting data 134. *Taguchi*, however, does not disclose or suggest using bit information 143 to determine whether data 134 is encrypted.

The Examiner apparently asserts that bit information 132, corresponds to claimed “key tag.” However, as noted above, *Taguchi* does not teach or suggest using bit information 132 to determine whether data 134 is encrypted. Thus, *Taguchi* fails to teach “determin[ing] based on the key tag that a memory location corresponding to a physical address is protected,” as recited in claim 1. Because *Taguchi* fails to disclose

at least this feature of claim 1, *Taguchi* cannot anticipate claim 1 under 35 U.S.C. § 102(b). Therefore, Applicants respectfully request the Examiner withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) and allow claim 1, as well as claims 2-8 which are allowable at least due to their dependence from claim 1.

Independent claims 9, 10, 15, 22, 30, 43 and 51, although of different scope than claim 1, recite features similar to those of claim 1. Accordingly, claims 9, 10, 15, 22, 30, 43 and 51 are allowable for at least the same reasons as claim 1 discussed above, and claims 11-14, 23-29, 31-34, 44-49 are also allowable at least due to their corresponding dependence from claims 10, 22, 30 and 43. Applicants, therefore, respectfully request the rejection of claims 9-14, 22-34, 43-49 and 51 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

Rejection of Claims 16-21, 35-40 and 50 Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 16-21, 35-40 and 50 under 35 U.S.C. § 102(b) as being anticipated by *Taguchi*. Independent claim 16 recites, *inter alia*, “determining whether a header associated with a program block includes an encrypted secret key” and “decrypting the encrypted secret key to form a decrypted secret key when a result of the determination indicates that the header includes an encrypted secret key.” *Taguchi* fails to teach or suggest at least these aspects in the recitation of claim 16.

The Examiner contends that *Taguchi* teaches this aspect of claim 16 at column 16, lines 44-59, column 17, lines 9-30, column 19, lines 16-59 (Office Action, p. 8.) These portions of *Taguchi* correspond to Figs. 15, 17, 21 and 22A-22C, respectively. As depicted in Figs. 15 and 17, a virtual address 70 includes a page number 71 that is associated with a key identifier by key management table 80. Further, Figs. 22(A)-22(C) illustrate bit information 132 being extracted from encrypted data 134 (Col. 19:43-45; Fig. 22B) and key 143 being selected from key table 140 based on the extracted bit information 132. As can best be understood, the Examiner asserts that page number 71 corresponds to the claimed "header" and that key 143 corresponds to the claimed "secret key." However, *Taguchi* is silent as to a "header... includ[ing] an encrypted secret key" and, accordingly, cannot teach or suggest "determin[ing] whether a header includes an encrypted secret key," as recited in claim 16.

Since *Taguchi* does not disclose or suggest the above-note features of claim 16, *Taguchi* fails to anticipate claim 16. Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) of independent claim 16, and claims 17-21 which depend from claim 16.

Independent claims 35, 42 and 50, although of different scope than claim 16, recite features similar to those of claim 16. Accordingly, claims 35, 42 and 50 are allowable for at least the same reasons as claim 16 discussed above, and claims 36-40 are also allowable at least due to their dependence from claim 35. Applicants,

therefore, respectfully request the rejection of claims 35-40, 42 and 50 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

Conclusion

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art reference cited against this application. Applicants therefore respectfully request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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